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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/809,084	03/16/2001	Glendon R. Diener	2000-EM001	5541

7590 08/02/2007  
MR. GARY OTTE & MR. SAM DWORETSKY  
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MORRISTOWN, NJ 07960

EXAMINER
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LEROUX, ETIENNE PIERRE

ART UNIT	PAPER NUMBER
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2161

MAIL DATE	DELIVERY MODE
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08/02/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/809,084	<b>Applicant(s)</b> DIENER, GLENDON R.	
	<b>Examiner</b> Etienne P. LeRoux	<b>Art Unit</b> 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE \_\_\_\_\_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 28 September 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 27-57 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 27-57 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

***Claim Status:***

Claims pending 27-57; claims 1-27 having been cancelled. Claims 27-57 are rejected as detailed below.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27, 28, 30, 32-47 and 50-57 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Pat No 6,321,133 (Smirnov), hereafter Smirnov and further in view of US Pat No 6,349,335 (Jenney), hereafter Jenney.

Claims 27, 30, 32-47 and 50-57:

Smirnov discloses:

defining a state machine associated with a provisioning model [order promising system, col 1, lines 60-67] the state machine comprising a set of current states [Fig 1, state nodes 12] of the provisioning model

defining at least one transition within the provisioning model that defines conditions under which states are added to or removed from the set of current states of the provisioning model [Fig 3, model 90, model 90 is a breakdown of task node 76, col 10, lines 60-65]

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Smirnov discloses the elements of the claimed invention as noted above but does not disclose generating a signal that identifies when a transition occurs that either adds states to the state machine or removes states from the state machine. Jenney discloses generating a signal that identifies when a transition occurs that either adds states to the state machine or removes states from the state machine [col 2, lines 45-60]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Smirnov to include generating a signal that identifies when a transition occurs that either adds states to the state machine or removes states from the state machine as taught by Jenney for the purpose of obtaining an indication that a certain process has occurred.

Examiner Notes:

The preamble is drawn to intended use because “a method for provisioning communication service” is merely a statement of a possible real-world application. The above claim language will not be given patentable weight. Furthermore, the preamble does not breathe life into the claimed invention because no limitations related to “communication service” are included in any independent or dependent claims of the claimed invention.

Claim 28:

The combination of Smirnov and Jenney discloses the elements of the claimed invention as noted above and furthermore, discloses modifying arguments of the signal, by the at least one transition [Smirnov, Fig 3, three current states are added].

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Claims 29, 31, 48 and 49 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Smirnov and Jenney as applied to claims 27 and 28 and 43, above, and further in view of US Pat No 6,631,354 (Leymann), hereafter Leymann.

Claims 29, 48 and 49:

The combination of Smirnov and Jenney discloses the elements of the claimed invention as noted above but does not disclose wherein the signal is generated by an external API of a provisioning engine. Leymann discloses wherein the signal is generated by an external API of a provisioning engine [col 3, lines 40-50]. It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the above combination of references to obtain wherein the signal is generated by an external API of a provisioning engine as taught by Leymann for the purpose of managing process resources [col 3, lines 40-50].

Claim 31:

The combination of Smirnov, Jenney and Leymann discloses wherein generating a signal that identifies when a transition occurs that either adds states to the state machine or removes states from the state machine further comprises: generating a signal API call; and delivering the signal at a predetermined time after generating the corresponding signal API call [Leymann, col 3, lines 40-50].

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Etienne P. LeRoux whose telephone number is (571) 272-4022. The examiner can normally be reached Monday through Friday, 8:00 am - 4:30 pm.

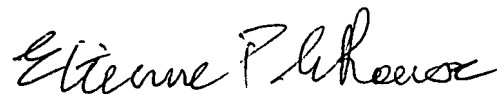
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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on (571) 272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

July 29, 2007

Etienne LeRoux

A handwritten signature in black ink, appearing to read 'Etienne LeRoux', written in a cursive style.

ETIENNE LEROUX  
PRIMARY EXAMINER